



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड—2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 39] नई दिल्ली, शुक्रवार, अगस्त 19, 1966/श्रावण 28, 1888 (शक)

No. 39] NEW DELHI, FRIDAY, AUGUST 19, 1966/SRAVANA 28, 1888 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th August, 1966:—

BILL No. 56 OF 1966

A Bill to confer on the President the power of the Legislature of the State of Punjab to make laws

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Punjab State Legislature (Delegation of Powers) Act, 1966. Short title.

5 2. In this Act, "Proclamation" means the Proclamation issued on the 5th day of July, 1966, under clause (1) of article 356 of the Constitution, by the President of India, and published with the notification of the Government of India, in the Ministry of Home Affairs, No. G.S.R. 1069 of the said date. Definition.

Confer-
ment on
the Presi-
dent of
the power
of the
State
Legisla-
ture to
make
laws.

3. (1) The power of the Legislature of the State of Punjab to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary: 5

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of— 10

(a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Punjab in that House; and 15

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Punjab in that House.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament. 20

(4) Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2): 25 30

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation of the President, dated the 5th July, 1966, the powers of the Legislature of the State of Punjab are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Punjab to make laws for the State. The present Bill is intended to give effect to this proposal.

GULZARILAL NANDA

NEW DELHI;
The 17th August, 1966.

BILL No. 55 OF 1966

A Bill further to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Essential Commodities (Amendment) Act, 1966.

Amend-
ment of
section 3.

2. In the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), in section 3, after sub-section (3A), the following sub-section shall be inserted, namely:—

‘(3B) Where any person is required by an order made with reference to clause (f) of sub-section (2) to sell any grade or variety of foodgrains, edible oilseeds or edible oils to the Central Government or a State Government or to an officer or agent of such Government and either no notification in respect of such foodgrains, edible oilseeds or edible oils has been issued under

sub-section (3A) or any such notification having been issued has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that person such price for the foodgrains, edible oilseeds or edible oils as may be specified in that order having regard to—

(i) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of foodgrains, edible oilseeds or edible oils; and

(ii) the price for such grade or variety of foodgrains, edible oilseeds or edible oils prevailing or likely to prevail during the post-harvest period in the area to which that order applies.

Explanation.—For the purposes of this sub-section, “post-harvest period” in relation to any area means a period of three months beginning from the last day of the fortnight during which harvesting operations normally commence.’

3. After section 6 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
6A to 6D.

“6A. Where any foodgrains, edible oilseeds or edible oils are seized in pursuance of an order made under section 3 in relation thereto, they may be produced, without any unreasonable delay, before the Collector of the district or the Presidency-town in which such foodgrains, edible oilseeds or edible oils are seized and whether or not a prosecution is instituted for the contravention of such order, the Collector, if satisfied that there has been a contravention of the order, may order confiscation of the foodgrains, edible oilseeds or edible oils:

Confisca-
tion of
food-
grains,
edible
oilseeds
and edible
oils.

6B. No order confiscating any foodgrains, edible oilseeds or edible oils shall be made under section 6A unless the owner of such articles or the person from whom they are seized—

Issue of
show-
cause
notice

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the articles;

before
confisca-
tion of

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

food-
grains, etc.

(c) is given a reasonable opportunity of being heard in the matter.

Provided that the notice referred to in clause (a) or the representation referred to in clause (b) may, at the request of the person concerned, be oral.

Appeal.

6C. (1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to the State Government concerned and the State Government may, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to return the foodgrains or edible oilseeds or edible oils seized, such person shall be paid the price therefor as if the foodgrains, edible oilseeds or edible oils, as the case may be, had been sold to the Government and such price shall be determined in accordance with the provisions of sub-section (3B) of section 3.

Award of confiscation not to interfere with other punishments.

6D. The award of any confiscation under this Act by the Collector shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act."

Amendment of section 7.

4. In section 7 of the principal Act, in clause (b) of sub-section (1),—

(a) in the opening paragraph, after the words "seem fit", the words "including, in the case of an order relating to foodgrains, any packages, coverings or receptacles in which they are found and any animal, vehicle, vessel or other conveyance used in carrying foodgrains" shall be inserted;

(b) in the proviso, after the words "any part of the property", the words "or any packages, coverings or receptacles or any animal, vehicle, vessel or other conveyance" shall be inserted.

Repeal and saving.

5. (1) The Essential Commodities (Amendment) Ordinance, 1966, is hereby repealed.

9 of 1966.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 12th day of July, 1966

STATEMENT OF OBJECTS AND REASONS

Consequent upon the decision to restrict the application of the Defence of India Act, 1962 (51 of 1962), and the rules made thereunder, namely, the Defence of India Rules, 1962, in areas other than border areas, to purposes connected only with the defence of India, civil defence, etc., the provisions of that Act and those rules will not be available in such areas for regulating the supply and distribution of essential commodities. Some of the State Governments have issued orders under rule 125(3) (c) of the Defence of India Rules, 1962, fixing prices for foodgrains compulsorily acquired from producers, traders and millers by imposing a levy. As Government have now assumed a positive role in holding the price line following devaluation and for procurement of substantial stocks of foodgrains, edible oilseeds and edible oils at prices specially fixed, for release at reasonable prices particularly to people in areas hit by scarcity, it has become absolutely necessary that the Government should be clothed with the power to fix prices as mentioned above. The Bill, therefore, seeks to amend the Essential Commodities Act, 1955 (10 of 1955), for conferring such power on the Government as also the powers specified below.

In order to make the administration of the Essential Commodities Act more strict, it is proposed to provide for the forfeiture of packages, vehicles, animals, etc., involved in the contravention of orders issued under that Act by amending section 7 of that Act. Such power is now available under rule 125(9) (b) of the Defence of India Rules, 1962.

It is also proposed to insert new provisions in the Essential Commodities Act, 1955, for the confiscation, by Collectors of districts, of the foodgrains, edible oilseeds and edible oils which have been seized for contravention of any order issued under that Act and for appeals from the orders of the Collectors to the State Governments. Specific provision is also proposed to be made for the return, if possible, of the articles seized or for payment of the value thereof if the person aggrieved by the order of confiscation succeeds in appeal or is acquitted by court where prosecution is launched for the same contravention. This follows the pattern of rule 125(8) of the Defence of India Rules, 1962, but has been strengthened with a view to ensure the observance of the principles of natural justice.

As Parliament was not in session, an Ordinance was promulgated on the 12th July, 1966, amending the Essential Commodities Act, 1955, taking powers in regard to the matters specified above. The present Bill seeks to replace the Essential Commodities (Amendment) Ordinance, 1966.

NEW DELHI;
The 25th July, 1966.

MANUBHAI SHAH

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter No. F.26(7) Com-Genl/66, dated the 12th August, 1966 from Shri Manubhai Shah, Minister of Commerce to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Essential Commodities (Amendment) Bill, 1966, recommends under article 117(3) of the Constitution of India, the consideration of the Bill in the Monsoon session of the Lok Sabha, 1966.

FINANCIAL MEMORANDUM

For taking certain powers, similar to those contained in rule 125 of the Defence of India Rules, 1962, under the Essential Commodities Act, 1955, in respect of foodgrains, edible oilseeds and edible oils, it is proposed to amend the Essential Commodities Act, 1955. This Bill provides for (i) fixing the price for foodgrains, edible oilseeds and edible oils acquired by Government under the Act, (ii) confiscation of these commodities where an order issued under the Act is contravened, and (iii) for forfeiture of packages, coverings or receptacles in which foodgrains are carried and animals, vehicles, vessels or other conveyances used in carrying them.

The proposed amendments seek to confer certain statutory powers on the executive as well as on the courts. For implementing the provisions in respect of confiscation of commodities in relation to Union territories under orders of Collectors, it may become necessary to employ additional staff. Even an approximate estimate of the additional expenditure cannot be made at this stage as it is not possible to foresee the number of cases in which resort to confiscation may become necessary.

S. L. SHAKDHER,

Secretary.

